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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): Robert K. Riffe

Docket No.

90041.97R074/CSD-55

Serial No.

08/800,574

Filing Date

February 18, 1997

Examiner

Lee, Richard J.

Group Art Unit

2613

Invention: NARROW BAND VIDEO CODEC

I hereby certify that this Response to Final Rejection

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Docket:
90041.97R074

#27
J. Douglas
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#27

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Robert K. Riffie

Serial No.: 08/800,574

Filed: February 18, 1997

For: NARROWBAND VIDEO CODEC

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RESPONSE TO FINAL REJECTION

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Technology Center 2600

Assistant Commissioner For Patents
Washington, DC 20231

Dear Sir:

In an Office Action mailed May 13, 2002 Claims 1-30 were rejected under 35 U.S.C. §103 (a) for essentially the same reasons given in the last Office Action (paper number 18). Applicant has already stated, for the record, his detailed reasons why that rejection is erroneous. As such, the following comments are limited to highlight specific erroneous features of the latest Office Action.

Applicant and the Examiner disagree about three major points and one minor point. The first major point is whether or not the Yurt reference shows the claimed relationship of the audio bytes to the video bytes. The second major point of disagreement is whether or not the Kuzma reference shows the three digital signal processors called for in the claims. The third major point is the standard for judging obviousness.

A minor point is raised in the recent Office Action on pages 6 and 7, where the Examiner states that "Yurt, et al. anticipates the claimed invention for the following reasons." That statement is clearly erroneous because Yurt is not applied under 35 U.S.C. §102. Assuming, for the sake of argument, that the Examiner meant to apply Yurt

under 103, Applicant further disagrees that Yurts shows the relationship of audio to video bytes.

Point 1

Claims 1-6 and 9-18 require an audio byte followed by a plurality of video bytes.

5 That feature is not shown or suggested in Fig. 8D of Yurt. Moreover, the specification of Yurt is contrary to the rejection. The rejection relies upon Fig. 8D to show that bytes within a given frame are separated by other types of bytes. However, Fig. 8D does not show or suggest individual bytes in a frame. In contrast, Fig. 8D shows the structure for a series of frames.

10 The Examiner's attention is directed to column 18, lines 59-63. There Yurt describes Fig. 8D as follows:

FIG. 8D shows a block representation of for [sic] three illustrative items which may be stored in the source material library 111. Each of the items 1-3 contains its own arrangement of video *frames* 812, audio *frames* 822, and data *frames* 832. (Emphasis added)

15 The Yurt reference, by its own terms, shows that Fig. 8D does not illustrate bytes in a frame but rather illustrates sequential frames. Accordingly, the use of Fig. 8D to reject Applicant's claimed sequence of bytes is clearly erroneous because is Fig. 8D shows only a sequence of frames.

Point 2

25 Claim 19 requires *three* digital signal processors: two for video and one for audio. The rejection uses the Kuzma reference and the doctrine of inherency to find those three DSPs. However, the Kuzma reference is silent on the use of digital signal processors. Applicant's further remarks will show that the reference has no digital signal processors let alone the three required by the invention.

30 The rejection equates the video codec 500 and the audio codec 185 with digital signal processors. This is clearly erroneous. Kuzma has **no** digital signal processors. A codec is simply a device that codes and decodes data. That operation is often called compression (coding) and decompression (decoding).

A digital signal processor is a special purpose microprocessor that can be programmed to compress and decompress data based upon one or more algorithms. A

DSP can use different algorithms at different times in order to compress and decompress data. Absent a description or any indication of programmability, a codec is assumed to be a hard wired or fixed compression/decompression device that performs only one algorithm on data.

5 Fig. 2 of Kuzma shows only one video codec 500. That video codec may compress and decompress data. There is no reason to assume that there are two video codecs when the reference itself shows only one. It is conventional to use one codec for receiving and transmitting. Where the reference shows only one codec and one codec can operate in receive and transmit modes, there is no justification for using the doctrine
10 of inherency to imply a second video codec.

 With the invention video data received and video data transmitted are handled by different digital signal processors. Thus, received video data can be processed with one algorithm while transmitted video data can be sent with another. This is a unique advantage of the invention and is not shown or suggested by any of the art of record.
15 This advantage of the invention lets the operator choose between different algorithms for sending and receiving video data in order to optimize the information that the user receives or transmits.

Point 3

 Applicant reiterates his objection to the obviousness standard applied in the
20 rejection. In the prior rejections it was stated that one skilled in the art having the cited references in front of him or her would have had no difficulty in arriving at the present invention. The “no difficulty” standard has to basis in law. That standard was rejected by the Board and the Examiner offers no support for such a theory of rejection. See *Ex parte Levengood*, 28 USPQ 2d 1300,1301-02 (BPAI 1993). The references themselves
25 must suggest their combination.

 Having thus summarized the salient, major errors of record, Applicant requests that the Examiner reconsider the rejections and allow the application. In absence of allowance, Applicant requests that the Examiner point out in detail where the bytes are to be found in Fig. 8D. Applicant further requests the Examiner show where the
30 programmability of the codec can be found in the Kuzma reference. Finally, Applicant requests that the Examiner provide support for the “no difficulty” standard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas R. FitzGerald". The signature is fluid and cursive, with the first name "Thomas" and last name "FitzGerald" clearly distinguishable.

Thomas R. FitzGerald
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